



COR 101

Training

Speaker:
Shauna Weatherly



Contracting Officer's Representative (COR)

FAR Subpart 2.101

Contracting Officer's Representative (COR) - an individual, including a contracting officer's technical representative (COTR), designated and authorized in writing by the contracting officer to perform specific technical or administrative functions.

Requires certification (training, experience, and continuous learning) meeting the standards in --

- Civilian Agencies – OFPP Memo 9/6/2011, COR Levels I, II, and III
- Defense Agencies – DoDI 5000.72, COR Type A, B, or C

Civilian: Continuum of Contract Types and FAC-COR Certification Level

FAC-COR Level I	FAC-COR Level II	FAC-COR Level III
<p>This level of COR is generally appropriate for low risk contract vehicles, without incentives.</p> <p>Firm Fixed Price only.</p> <p>Examples: Supply contracts or orders</p>	<p>This level of COR is generally appropriate for contract vehicles of moderate or high complexity, including both supply and service contracts.</p> <p>Firm Fixed Price Labor-Hour Time & Materials</p>	<p>Level III CORs should be assigned to the most complex and mission critical contracts within the agency (high risk). Duties require significant program management activities.</p> <p>Cost contracts Letter contracts Incentives Contract financing Hybrid contracts Cost sharing</p>

Defense: Continuum of Contract Type to DoD COR Type Certification Level

	DoD COR Type A	DoD COR Type B	DoD COR Type C
Type of Contracts	Fixed-price contracts without incentives and low performance risk	Fixed-price contracts with incentives; fixed-price contracts with other than low performance risk; and other than fixed-price contracts. This includes everything other than Types A and C.	Unique contract requirements that necessitate the COR have a higher education or specialized training beyond the Type B requirements.

Civilian: Required Experience

FAC-COR Level I	FAC-COR Level II	FAC-COR Level III
No previous experience required	1 year of previous COR experience	2 years of previous COR experience

Defense: Required Experience

DoD COR Type A	DoD COR Type B and C
Agency experience: Minimum 6 months unless waived.	Agency experience: Minimum 12 months unless waived.
Relevant technical experience: Determined by the requiring activity or Management.	Relevant technical experience: Determined by the requiring activity or Management.
General competencies: As determined by the nominating supervisor for the contracting officer's consideration.	General competencies: As determined by the nominating supervisor for the contracting officer's consideration.

Civilian: Required Training*

FAC-COR Level I	FAC-COR Level II	FAC-COR Level III
Minimum: 8 hours Continuous Learning: 8 hours every 2 years	Minimum: 40 hours Continuous Learning: 40 hours every 2 years	Minimum: 60 hours Continuous Learning: 40 hours every 2 years

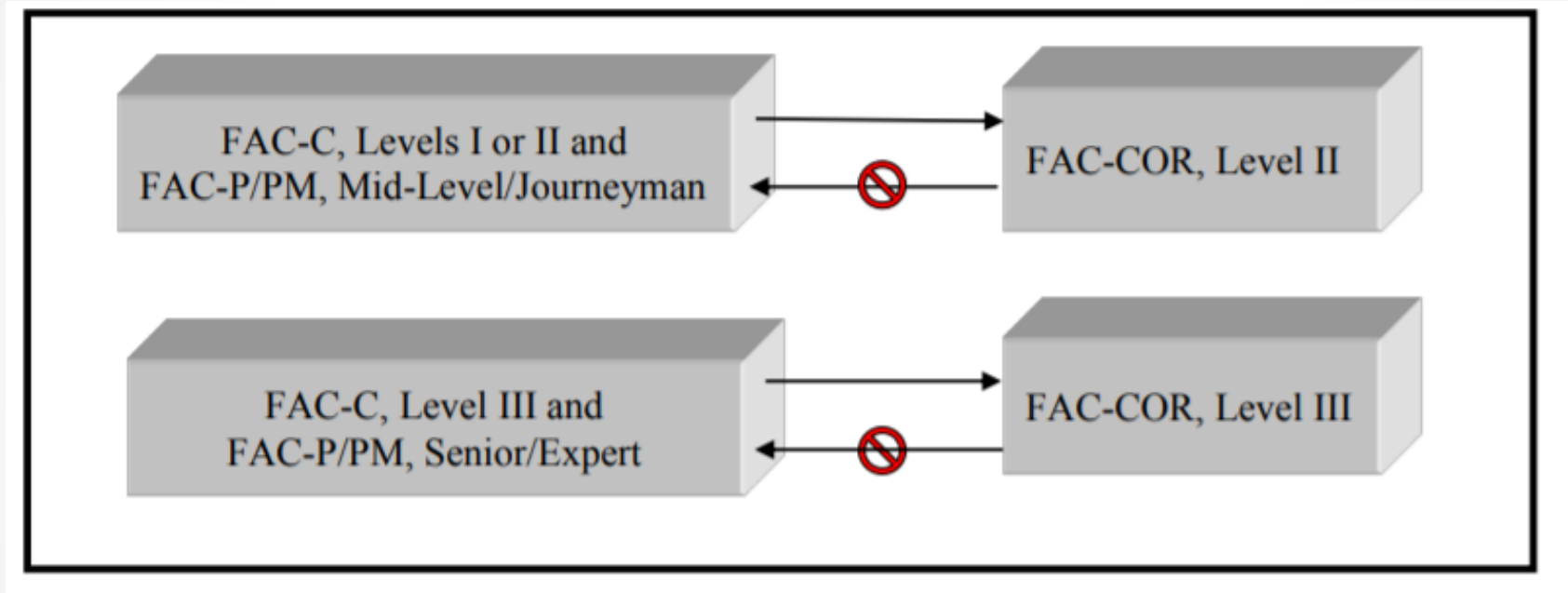
* Agencies may have agency-specific training paths for the minimum training at each level as well as additional training that is also required prior to certification.

Defense: Required Training*

DoD COR Type A	DoD COR Type B and C
<ul style="list-style-type: none">• DAU course, “COR with a Mission Focus” (online).• DAU course, “COR in a Contingency Environment,” when applicable (classroom or online).• DoD Component provided new entrant and annual ethics (designated OGE Form 450 filers only) & Combat Trafficking in Persons (CTIP) training.• Additional training mandated by the contracting activity or agency (e.g., safety, security.). <p>Refresher: 8 hours plus CTIP every 3 years and annual ethics for OGE 450 filers</p>	<ul style="list-style-type: none">• DAU course, “CORs” or ALU-CL or equivalent course.• DAU course, “COR in a Contingency Environment,” when applicable.• DoD Component provided new entrant and annual ethics (designated OGE Form 450 filers only) & CTIP training.• Additional training mandated by the contracting activity or agency (e.g., safety, security.). <p>Refresher: 16 hours plus CTIP every 3 years and annual ethics for OGE 450 filers</p>

* COs or Management may require additional specific training prior to certification.

Reciprocity with other Civilian Certifications



Receive a Written Appointment from CO

IAD COR APPOINTMENT MEMO_wo Cmts_June 10 2015 version [Compatibility Mode] - Microsoft Word

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GSA

**GSA OFFICE OF ADMINISTRATIVE SERVICES
INTERNAL ACQUISITION DIVISION**

Date: _____

MEMORANDUM FOR: _____

FROM: _____
CONTRACTING OFFICER

SUBJECT: _____
Designation of Contracting Officer's Representative (COR) for
Task Order No. _____
Contract No. _____
Project Title and Location: _____

In accordance with GSAR 501.603-2(c)(5)(i), you are hereby designated as the Contracting Officer's Representative (COR) for the subject order in addition to your present duties. The authority cannot be re-delegated to other persons and shall remain in effect until settlement of the contract unless terminated by the Contracting Officer or revoked by your departure from your present position.

As the COR, you are responsible for ensuring that the contractor's efforts comply with the technical and administrative features of the work required by the contract. Your responsibilities include, but are not limited to, the following functions:

- Assist the contractor in interpreting technical requirements and in obtaining other technical assistance as may be necessary and appropriate by providing technical direction within the scope and limitations provided in the contract.
- Inspect and evaluate the work performed under the contract.
- Enforce the identification, clearance, qualifications and attendance program of the contractor's employees.
- Secure and approve all resumes, schedules, reports and quality contract program, required by the contract.
- Secure all pre-work submissions as required by the contract.
- Receive contractor's requests for progress and final payments. Promptly discuss any

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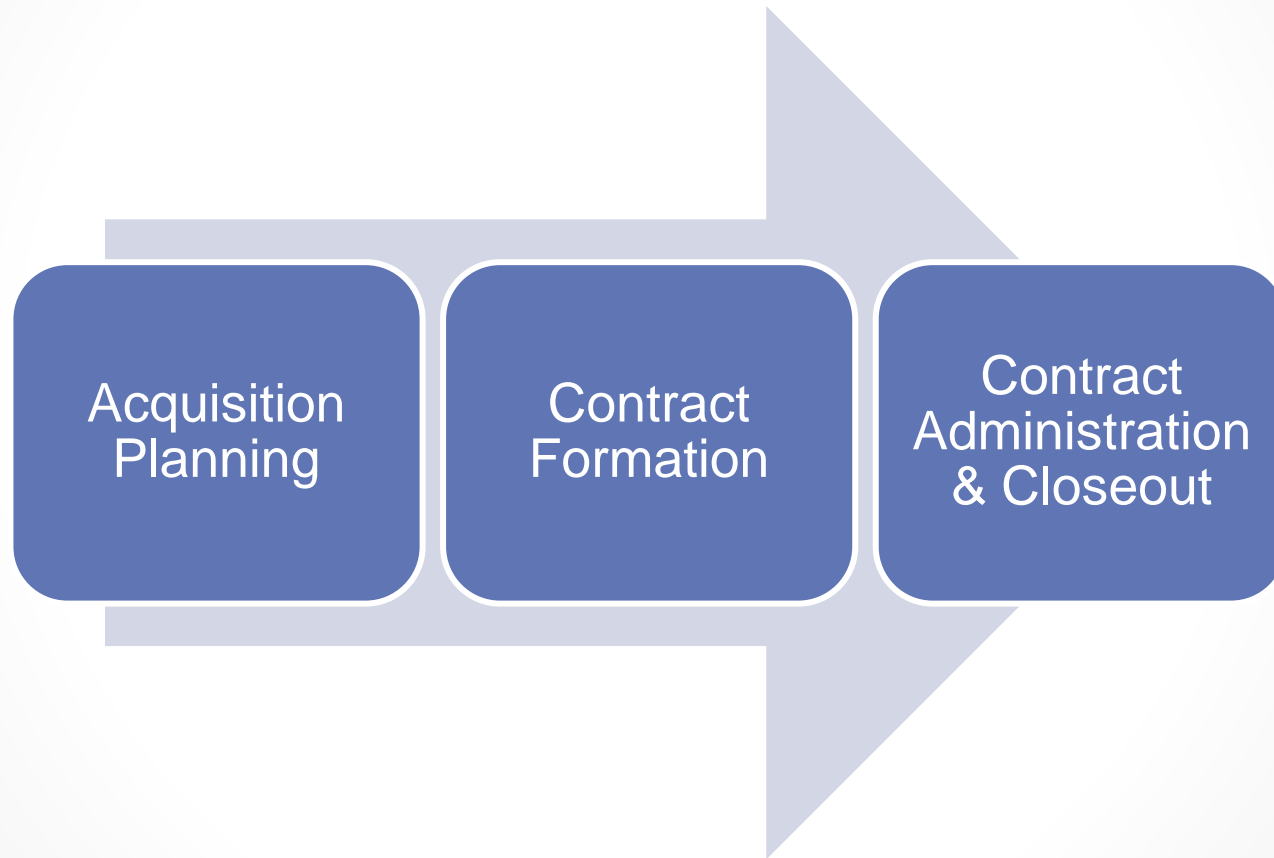
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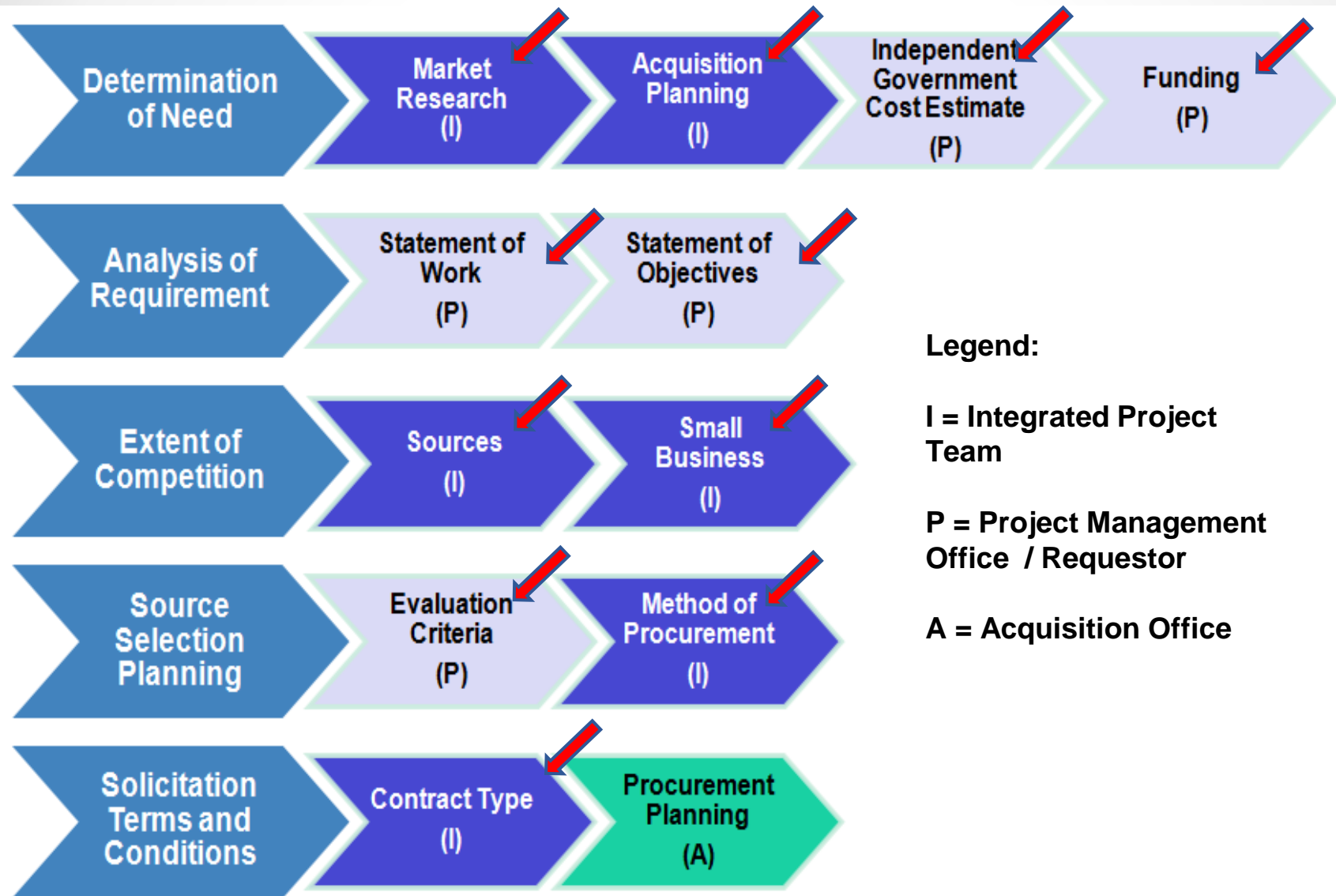
of a COR

Basic Acquisition Cycle

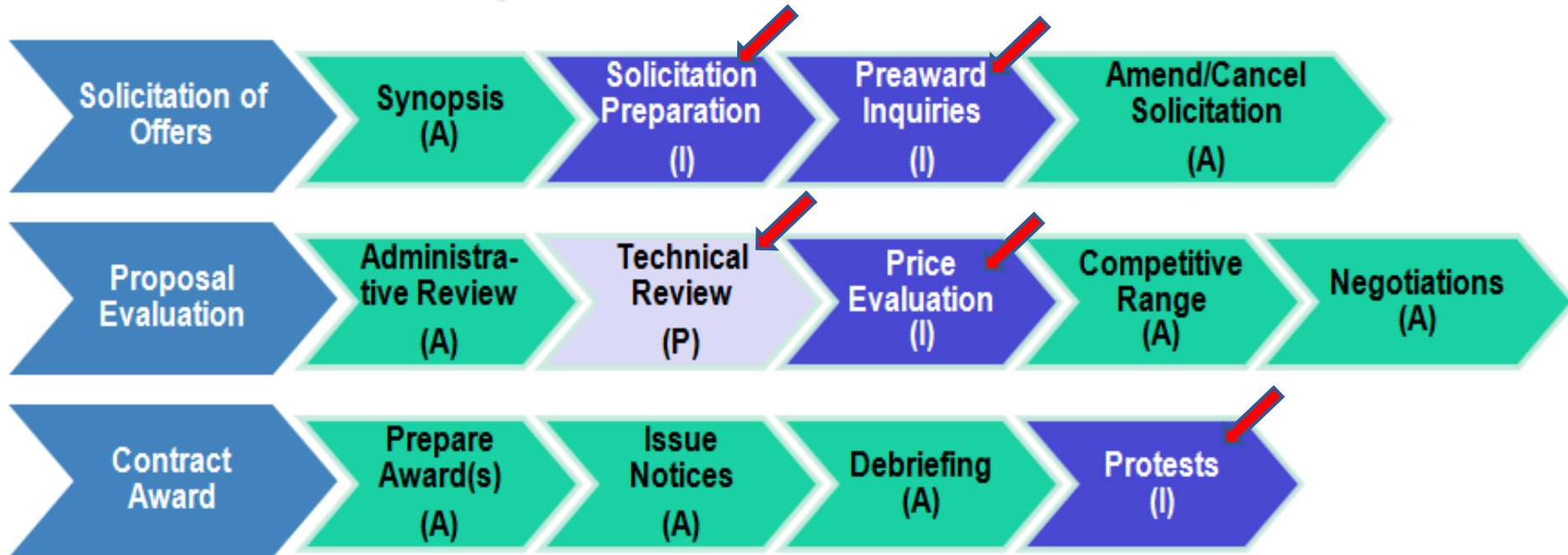


Want to learn more? Take CLC 011, Contracting for the Rest of Us – 2 CLPs (Register via FAI Cornerstone on Demand (CSOD) or DAU.

COR Participation in Acquisition Planning



COR Participation in Contract Formation



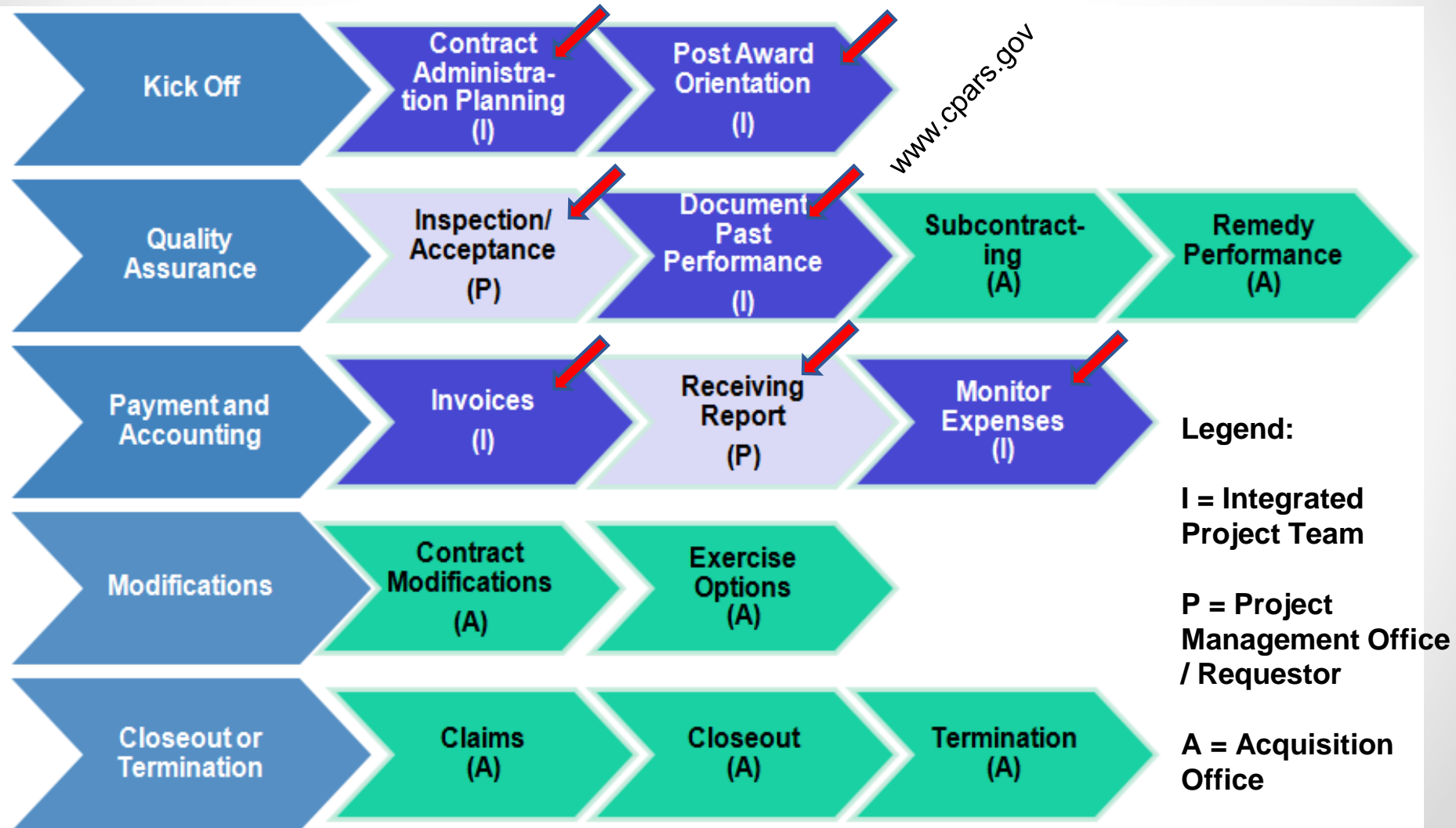
Legend:

I = Integrated Project Team

P = Project Management Office / Requestor

A = Acquisition Office

COR Participation in Contract Administration and Closeout



COR Appointment Letter

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What is my role as a COR?

To be the “eyes” and “ears” of the CO.



Relationship between the CO and the COR

- Partners in acquisition
- Day-to-day technical POC
- Communicate, Communicate, Communicate
- Keep current on applicable acquisition policy
- When unsure, talk to the CO!



COR File

COR's should keep separate files for each contract to which they are assigned. Files should include --

- Copy of COR delegation letter;
- Copy of all correspondence, emails, and contact records between COR and the contractor;
- Copy of COR inspection or performance surveillance records;
- Copy of all invoices and receiving reports;
- Copy of contract performance evaluation;
- Any other documents pertinent to the contract.

COR files should be kept electronically for ease in merging the COR's file with the Official Contract File at the time of contract closeout.



COR File Checklist

References: FAR Subparts 4.801(b), 4.802(b), 2.101 and 3.104-4

- Documentation shall be...a complete history of the transaction for the purpose of:
 - Providing a complete background as a basis for informed decisions...;
 - Supporting actions taken;
 - Providing info for reviews and investigations; and
 - Furnishing essential facts in the event of litigation or congressional inquiries.
- Contract administration files are kept separate from the contract award and paying office files
- COR files are source selection sensitive--protect them!

COR File Checklist

Contract # :		Order #:			
Contractor:					
COR:					
Contracting Officer:					
Checklist (see below for supporting details / reference guidance)					
#	Item Description	Yes	No	NA	ECF or RBA Contract File Tab
1	Copy of COR appointment letter				47
2	Copy of COR delegation letter				47
3	Copy of COR certification				47
4	"Source Selection Information" appropriately marked and protected from disclosure				Header/ Footer of all applicable documents
5	A list of all contract deliverables and due dates				47
6	A list of all activities associated with the contract (post-award orientation (kickoff) meeting, progress and status meetings, annual and interim performance reviews, invoicing dates, etc.)				47
7	Conformed copy of the contract (including modifications). Include attachments, technical specifications, policy references, drawings, designs, and maps, etc.				47
8	Copies of technical and price proposals				45
9	Copy of Quality Assurance Surveillance Plan (QASP) if applicable				47
10	An itemized list of all Government Furnished Property provided to the contractor, the date provided, condition of property, and subsequent disposition (if applicable)				47
11	Copy of COR actions taken to date (e.g. copy of all correspondence, emails, and contact records between COR and the contractor, logs of resulting actions, etc.)				47
12	Copy of all correspondence and emails between/among the COR, Contracting Officer and the contractor				47
13	Meeting minutes, memos for record, copies of briefing slides				47

COR Keys to Success

1. Understand your role

- Know your contract inside and out.
- Assist the CO in those areas of the acquisition cycle where COR input is needed.

2. Understand the limits of your authority

- Understand procurement integrity and the limits of what you can share with others (e.g., Source Selection Sensitive Information, etc.).
- Don't exceed your authority.

3. Communication and Documentation

- Review contract deliverable due dates and period of performance and organize them on a project plan and/or calendar.
- Monitor contractor performance and keep notes on dates, performance issues, impacts to contract deliverables, and annotate if / when resolution occurs.

When in doubt, ask the Contracting Officer.

CORs are Not Authorized To...

- Make changes in the task, scope, price, quality, quantity, or delivery schedule.
- Make enhancements to the contract.
- Make commitments or promises to any contractor.
- Start or stop work.
- Direct changes (oral or written).
- Authorize delivery or disposition of government-furnished property.
- Obligate the government.
- Deviate or waive contract terms and conditions.
- Change the period of performance.
- Approve the use of subcontractors or consultants.
- Authorize the use of overtime.
- Enter into a contract on behalf of the government.
- Meddle in contractor operations.



Unauthorized Commitments



Ratification of Unauthorized Commitments is covered by FAR 1.602-3.

Unauthorized commitments may violate laws or regulations and constitute serious employee misconduct. Disciplinary action may be warranted.

Government employees can be held financially liable for unauthorized commitments.

When in doubt, ask your Contracting Officer!

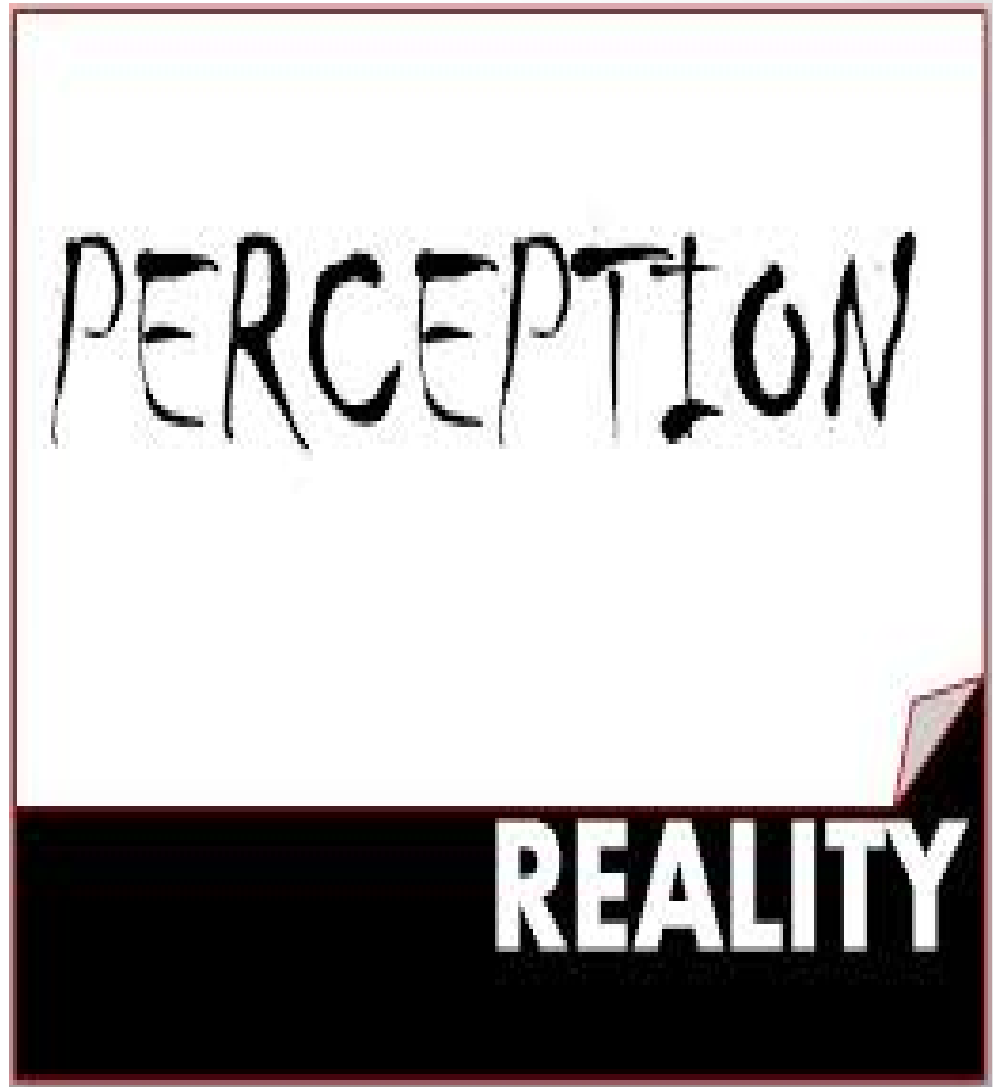
Procurement Integrity – Laws, Regulations, & Policies

- Procurement Integrity Act, 41 U.S.C. § 423
- Trade Secrets Act, 18 U.S.C. § 1905
- Acts affecting a personal financial interest, 18 U.S.C. § 208
- Standards of Ethical Conduct 5 C.F.R. § 2635
- Federal Acquisition Regulation Subpart 3.1
- Agency-specific FAR Supplements to FAR Subpart 3.1



Strictly avoid any conflict of interest or even the appearance of a conflict of interest in Government-Contractor relationships. (See FAR 3.101)

Persons authorized to access proposals and source selection information to accomplish their responsibilities in a procurement must safeguard that information and avoid unlawful disclosure.



Procurement Integrity Act (41 USC 423)

Violation of the Act carries criminal and civil penalties.



- Criminal penalties may include imprisonment for up to 5 years or a fine or both

Civil penalties may include a fine of up to \$50,000 per violation + twice the amount of compensation offered or received



Appropriate and Effective Interactions with Contractors

Personal vs Non-Personal Services

Personal Services (FAR 37.104) – Where as a result of the contract's terms or the manner of its administration / performance, contractor personnel are subject to the relatively continuous supervision and control of a Government employee. (Illegal unless authorized by statute - 5 USC 3109)

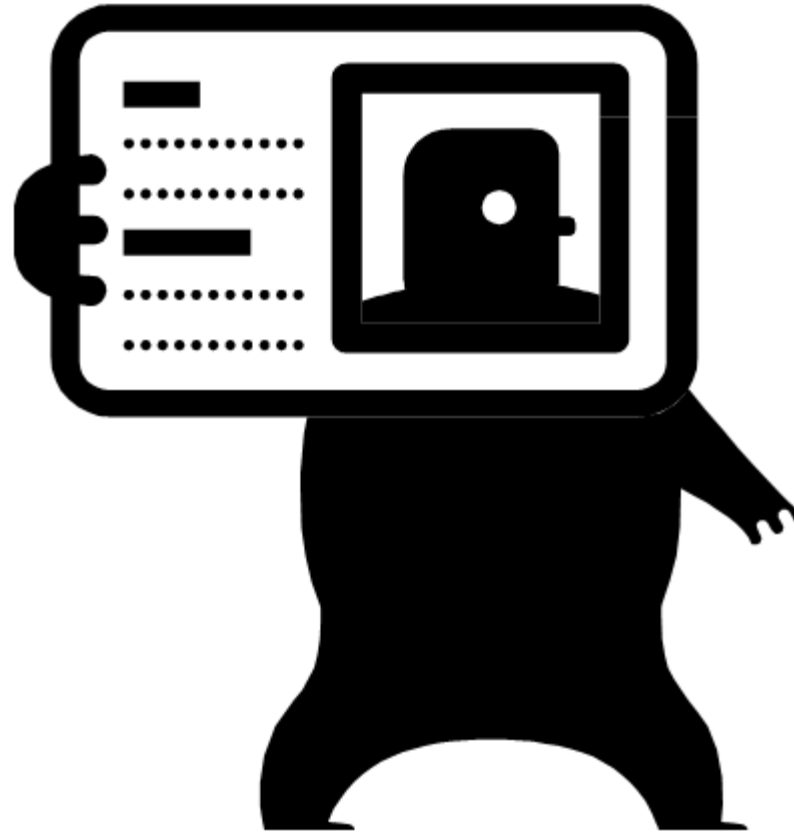
Non-Personal Services – A contract under which the personnel providing the services are not subject to the supervisor and control usually prevailing in relationships between the Government and its employees. The company, not the individual, is hired to perform.

Inherently Governmental Functions (FAR Subpart 7.5)



- Direction / control of federal employees
- Determination of budget policy, guidance, or strategy
- Resource allocation or program management duties
- Obligating Congressionally authorized funding
- Approval of contractual documents or administering contracts such as evaluation criteria, incentive plans, etc.
- Selection / non-selection of individuals for federal employment
- Approval of position descriptions and performance standards for federal employees
- Determining the disposition of Government property
- Determining what supplies / services are to be acquired by the Government.
- Serving as a voting member on any source selection board
- Providing performance feedback

Who's Who in the Workplace: Contractor ID



Contractor identification is key to avoiding problems

How quickly it can change...



Sensitive Information and Contractor Staff

- Ensure you know who meeting participants are and, if in doubt, ask!
- Do not discuss sensitive information in areas that are not secure.
- Do not leave sensitive information where contractor personnel may see it.
- Proprietary information is only releasable to a contractor if (1) protected by appropriate contract clauses, AND (2) proper Nondisclosure Agreements are in place.
- Do not place contractors in control of property for which they have no contractual authority or accountability.
- Do not delegate responsibility for end-of-day security checks to contractor personnel, unless their contract specifically allows it (i.e., security services).



Consult legal counsel with any questions about release of sensitive information.

Specific Situations

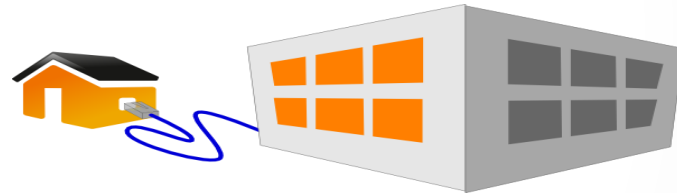


Inclement Weather Dismissals

- Government does NOT determine contractor's leave policy
- Government general does not compensate contractor for non-performance
- Contracting Officer will refer to the contract terms and conditions that address government down time

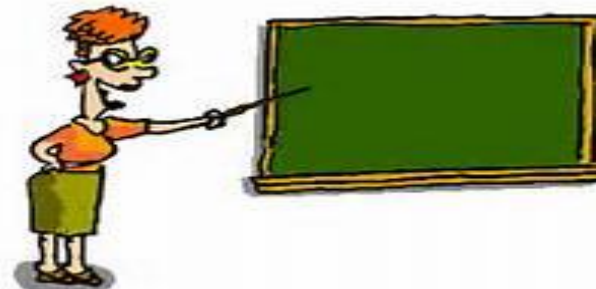
Telework

- Only if permitted by the contract



Training / Meetings / Gatherings

- Any training required for the job is paid for by the contractor (to include the labor to attend). Exception: Agency-specific training (IT Security, etc.)
- Attend meetings and gatherings only if there is a “need to know” required in order to perform



Do's

- Respect the employer-employee relationship between a contractor and their staff.
- Protect intellectual property rights when contractor work products are created or shared in the workplace.
- Report any violations of law (including but not limited to the Procurement Integrity Act).
- Be sensitive of inappropriate appearances created by close relationships between government employees and contractor personnel. Seek legal assistance as needed.
- Clearly describe all contract taskings and ensure they are within the scope of the contract.
- Look at every situation from the contractor's perspective.
 - Are you asking for performance over / outside the contract requirements?
 - Are you giving the perception of favoritism?

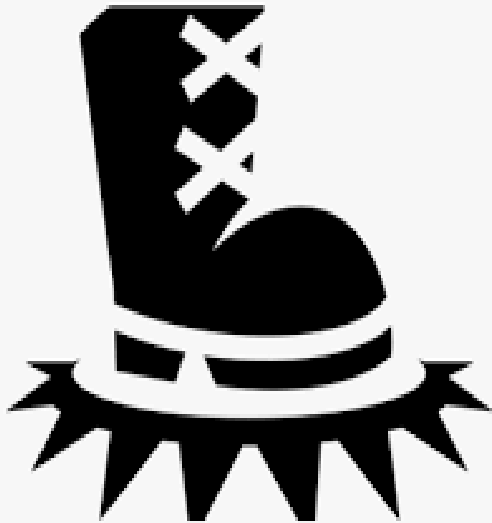




Don'ts

- Involve yourself in the day-to-day supervision, management, or recruiting / hiring / firing of contractor personnel.
- Pressure the contractor to use “favorite” personnel or to promote / demote personnel.
- Use Government and Contractor personnel interchangeably.
- Use “other duties as assigned” to task contractor personnel – there is no such thing in contracts.
- Give the incumbent contractor an unfair competitive advantage by including them in meetings to discuss any re-competition or granting access to planning information. Encourage contractor personnel to leave their workplace to attend a morale building activity, ask them to volunteer for such events, or participate in office gift-giving.

Foot-stomp: The three keys to a COR's success are...



Understand your role

Understand the limits of your authority

Communication and Documentation

Q&A

